

TOWN OF LANESBOROUGH
ZONING BOARD OF APPEALS (ZBA)
PUBLIC HEARING REQUIREMENTS

You must first see the Building Inspector to see if you need a ZBA Variance or Special Permit. If ZBA action is required the following are to be completed:

1. **An original and 6 copies** of a Zoning Board of Appeals Application must be filed with the Town Clerk together with a filing fee of \$50.00. Please make checks payable to the **“Town of Lanesborough.”** All fees are **non-refundable**. The Application shall also include **an original and 6 copies** of the following attachments:
 - a. Copy of Town Map for subject property. This may be obtained from the Assessor’s Office or at www.lanesborough-ma.gov
 - b. Plot layout defining the location of the building(s)/structure(s) relating to the lot with dimensions of the building(s) to septic systems, boundary lines and any other pertinent data.
 - c. A Memorandum describing the Special Permit Application (#4a) or Variance Application (#4b)
2. A Notice of Hearing will then be prepared by the Town. The notice needs to be published twice in a newspaper of general circulation; once at least fourteen (14) days prior to the hearing date and once at least seven (7) days prior to the hearing date. The applicant will be responsible for the cost of the publications. You will be notified of the cost of the Notices (approximately \$120 to \$150). Please make check payable to the **“Berkshire Eagle”**.
3. The Notice of Hearing will then be mailed to all abutters within 300 feet of the property. This list will be determined by the Assessor’s Office. The applicant will reimburse the Town for any and all postage (postage includes abutters mailing, mailing to abutting Planning Boards, Fee Letter to Petitioner, Post Hearing notification, and Decision to Petitioner). The total amount of postage must be paid by check prior to your hearing. You will be notified of the postage cost (approximately \$75). Please make check payable to the **“Town of Lanesborough.”**
4. A Public Hearing will be held in accordance with M.G.L. c. 40A, § 15 at which time the applicant will give a brief synopsis of the project and answer any and all questions posed by the Zoning Board of Appeals.
 - a. **Special Permit Application**. The Zoning Board of Appeals will determine:
 - i. If the application is in compliance with all provisions and requirements of the Zoning Bylaws of the Town of Lanesborough;
 - ii. If the application is essential or desirable to the public convenience or welfare at the proposed location.
 - iii. If the application will not be detrimental to adjacent users or the established or future character of their neighborhood.
 - iv. If the application will not create undue traffic congestion, or unduly impair pedestrian safety.

- v. If the application will not overload any public water, drainage or sewer safety or any other municipal facility to such an extent that the proposed use or any existing uses in the immediate area or in any other area of the Town will be unduly subjected to hazards effecting public health, safety or general welfare.

b. Variance Application. (Please note that no “Use” Variance shall be granted in any zone pursuant to Zoning Bylaw Section IX D 1). In instances where the Zoning Enforcing Officer (Building Inspector) has refused to issue a permit or where a particular Dimensional Variance is sought. The Zoning Board of Appeals will determine:

- i. If the application is in compliance with all provisions and requirements of the Zoning Bylaws of the Town of Lanesborough;
- ii. If the application is essential or desirable to the public convenience or welfare at the proposed location.
- iii. If the application will not be detrimental to adjacent users or the established or future character of their neighborhood.
- iv. If the application will not create undue traffic congestion, or unduly impair pedestrian safety.
- v. If the application will not overload any public water, drainage or sewer safety or any other municipal facility to such an extent that the proposed use or any existing uses in the immediate area or in any other area of the Town will be unduly subjected to hazards effecting public health, safety or general welfare.
- vi. That owing, to circumstances relating to the soil conditions, shape or topography of such land or structure and especially affecting such land or structure but not affecting generally the district in which it is located, a literal enforcement of the provision of this Bylaw would involve substantial hardship to the applicant.
- vii. That desirable relief may be granted without substantial detriment to the public good without nullifying or substantially detracting from the intent or purpose of the Zoning Bylaw.

c. Appeal Application. The Zoning Board of Appeals shall hear and render a decision on any appeal by an aggrieved party subject to any permit issued and authorized by the Town of Lanesborough’s Zoning Bylaws.

- 5. The ZBA decision must be recorded with the Registry of Deeds by the Town. A recording fee of \$75.00 must be paid prior to your hearing. Please make check payable to the “**Commonwealth of Massachusetts.**”

A copy of the Town of Lanesborough Zoning Bylaws can be obtained at www.lanesborough-ma.gov

Ron Tinkham, Chairman
Zoning Board of Appeals
(413) 448-8370